

AMENDED IN SENATE JULY 11, 2013

AMENDED IN SENATE JUNE 27, 2013

AMENDED IN SENATE JUNE 6, 2013

AMENDED IN ASSEMBLY APRIL 15, 2013

AMENDED IN ASSEMBLY APRIL 2, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 620

Introduced by Assembly Member Buchanan

February 20, 2013

An act to add Sections 1279.8, 1507.15, 1569.317, and 1584.5 to the Health and Safety Code, relating to health and care facilities.

LEGISLATIVE COUNSEL’S DIGEST

AB 620, as amended, Buchanan. Health and care facilities: missing patients and participants.

Existing law provides for the licensure and regulation of the health facilities, as defined. Existing law requires certain types of health facilities, such as acute care hospitals and skilled nursing facilities, to develop, implement, and comply with a patient safety plan for the purpose of improving the health and safety of patients and reducing preventable patient safety events, as specified. A person who violates the provisions governing health facilities is guilty of a misdemeanor, as specified.

The Community Care Facilities Act provides for the licensure and regulation of community care facilities, as defined, including residential

facilities and facilities that provide adult day programs. A person who violates the act is guilty of a misdemeanor.

Existing law, the California Residential Care Facilities for the Elderly Act, requires the State Department of Social Services to license and regulate residential care facilities for the elderly, as defined. A person who violates the act is guilty of a misdemeanor.

Existing law, the California Adult Day Health Care Act, provides for the licensure and regulation of adult day health care centers, as defined, by the State Department of Public Health. A person who negligently, repeatedly, or willfully violates the act is guilty of a misdemeanor.

This bill would require specified health facilities, including various kinds of intermediate care facilities, congregate living health facilities, and skilled nursing facilities, community care facilities providing *adult* residential care or offering adult day programs, residential care facilities for the elderly, and adult day health care centers to develop, ~~implement, and comply with, and review annually~~ a safety plan, as specified, for the purpose of addressing issues that arise when a patient, resident, or participant, as applicable, is missing from the facility. The bill would require the plan to include a requirement that an administrator of the facility, or his or her designee, ~~inform designated relatives or caretakers, or both, who are authorized to receive information regarding a patient, resident, or participant, the patient's, resident's, or participant's authorized representative~~ when that patient, resident, or participant is missing from the facility and to include the circumstances in which local law enforcement must be notified. Because negligent, repeated, or willful violations of these provisions would be misdemeanors, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1279.8 is added to the Health and Safety
- 2 Code, to read:

1279.8. Every health facility, as defined in subdivision (c), (d), (e), (g), (h), (i), or (m) of Section 1250, shall, for the purpose of addressing issues that arise when a patient is missing from the facility, develop, ~~implement, and~~ comply with, ~~and review annually~~ a patient safety plan, ~~either as a stand-alone plan or as part of the~~ written plans and procedures that are required pursuant to federal or state law. The plan shall include a requirement that an administrator of the facility, or his or her designee, inform ~~designated relatives or caretakers, or both, who are authorized to~~ receive information regarding a patient, *the patient's authorized representative* when that patient is missing from the facility. The plan shall include the circumstances in which an administrator of the facility, or his or her designee, shall notify local law enforcement when a patient is missing from the facility.

SEC. 2. Section 1507.15 is added to the Health and Safety Code, to read:

1507.15. Every community care facility that provides *adult* residential care or offers an adult day ~~program, or both, program~~ shall, for the purpose of addressing issues that arise when ~~a an~~ *adult* resident or an adult day program participant is missing from the facility, develop, ~~implement, and~~ comply with, ~~and review annually a resident or participant a written~~ safety plan, ~~either as a stand-alone plan or as for each resident or participant. The plan shall be~~ part of the written Needs and Services Plan. The plan shall include a requirement that an administrator of the facility, or his or her designee, inform ~~designated relatives or caretakers, or both, who are authorized to receive information regarding a resident or participant, the resident's or participant's authorized representative~~ when that resident or participant is missing from the facility. The plan *also* shall include the circumstances in which an administrator of the facility, or his or her designee, shall notify local law enforcement when a resident or participant is missing from the facility.

SEC. 3. Section 1569.317 is added to the Health and Safety Code, to read:

1569.317. Every residential care facility for the elderly, as defined in Section 1569.2, shall, for the purpose of addressing issues that arise when a resident is missing from the facility, develop, ~~implement, and~~ comply with, ~~and review annually~~ a resident safety plan, ~~either as a stand-alone plan or as part of the~~

1 written record of the care the resident will receive in the facility,
2 as described in Section 1569.80. The plan shall include a
3 requirement that an administrator of the facility, or his or her
4 designee, ~~inform designated relatives or caretakers, or both, who~~
5 ~~are authorized to receive information regarding a resident, the~~
6 *resident's authorized representative* when that resident is missing
7 from the facility. The plan shall include the circumstances in which
8 an administrator of the facility, or his or her designee, shall notify
9 local law enforcement when a resident is missing from the facility.

10 SEC. 4. Section 1584.5 is added to the Health and Safety Code,
11 to read:

12 1584.5. Every adult day health care center shall, for the purpose
13 of addressing issues that arise when an adult day health care
14 participant is missing from the facility, ~~develop, implement, and~~
15 ~~comply with, and review annually~~ a participant safety plan, ~~either~~
16 ~~as a stand-alone plan or as part of the individual plan of care, as~~
17 defined in Section 1570.7. The plan shall include a requirement
18 that an administrator of the facility, or his or her designee, inform
19 ~~designated relatives or caretakers, or both, who are authorized to~~
20 ~~receive information regarding a participant, the participant's~~
21 *authorized representative* when that participant is missing from
22 the facility. The plan shall include the circumstances in which an
23 administrator of the facility, or his or her designee, shall notify
24 local law enforcement when a participant is missing from the
25 facility.

26 SEC. 5. No reimbursement is required by this act pursuant to
27 Section 6 of Article XIII B of the California Constitution because
28 the only costs that may be incurred by a local agency or school
29 district will be incurred because this act creates a new crime or
30 infraction, eliminates a crime or infraction, or changes the penalty
31 for a crime or infraction, within the meaning of Section 17556 of
32 the Government Code, or changes the definition of a crime within
33 the meaning of Section 6 of Article XIII B of the California
34 Constitution.